

### REMARKS

By this amendment, claims 18 and 27 have been amended, including for clarification to more clearly articulate the novel and non-obvious embodiments of the present application. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Claims 18-35 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action and allowance of the application, is respectfully requested.

#### **Rejection under 35 U.S.C. §102**

Claims 18-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Strommer et al. (U.S. 2005/0033149, hereinafter "**Strommer**"). With respect to claim 18, applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Independent claim 18, as now presented, more clearly recites, inter alia, the specific feature limitation of "a *plurality of detectable markers ... being positioned in a substantially evenly distributed manner within the target organ ... used as features to perform motion correction ... an imaging unit arranged to acquire images of the target organ along with the detectable markers ... for corresponding dwell positions of the displaceable catheter ... [and] a computing unit configured to carry out ... calculating a motion-corrected organ-oriented three-dimensional coordinate system based on the detectable markers within the images ... [and] generating a spatial roadmap representing an envisaged trajectory of the displaceable catheter within the motion-corrected organ-oriented three-dimensional coordinate system by (i) interrelating the spatial positions of the detectable markers and (ii) using supplementary information, wherein the supplementary information for generating the spatial roadmap includes*

*measured temporal electrical activity of the organ and related time moments of the measured temporal electrical activity of different points of a measurement of temporal electrical activity, wherein a pattern of contraction of the organ is derived and irregularities in a conductivity of electrical signals are identified ... wherein the *derived pattern of organ contraction* and the *identified irregularities* are used as the supplementary information for generating the spatial roadmap” (emphasis added).* Support for the amendments to claim 18 can be found in the specification at least on page 2, lines 21-28; page 4, lines 6-11; page 5, lines 25-32; page 8, lines 2-10 and 16-25; page 9, lines 10-13; page 10, lines 11-20; page 12, lines 11-16; and FIG. 1 (steps 1-8).

Therefore, with respect to claim 18, to sustain this rejection the **Strommer** reference must contain all of the above claimed elements of the respective claim. However, *in view of the amendments* for clarification to claim 18 and contrary to the examiner’s position that all elements are disclosed in the **Strommer** reference, the reference does not disclose the at least aforementioned feature of independent claim 18. Thus, the rejection is not supported by **Strommer** and should be withdrawn.

In contrast, the **Strommer** reference discloses a method and system for registering a first image associated with a first coordinate system with a second image in a second coordinate system. The method uses first and second medical positioning systems and a registering module coupled with a second imager and with the second medical positioning system. The first medical positioning system is associated with a first imager. (see Strommer, Abstract, FIGs. 2A-2D, paragraph [0083]). The **Strommer** reference further teaches “[e]ach of a first organ timing monitor 228 and a second organ timing monitor 238 is a device for monitoring the pulse rate of an inspected organ” (see Strommer, paragraph [0084]). The **Strommer** reference further teaches “[f]irst MPS 226 determines the position and orientation of organ timing sensor 260 in a [*first*] coordinate

system ... according to a signal received from organ timing sensor 260” and “reconstructs a plurality of three-dimensional images ... according to the position and orientation of organ timing sensor 260” (see Strommer, paragraphs [0087]-[0088]). The **Strommer** reference still further teaches “[s]econd MPS 236 determines the position and orientation of organ timing sensor 260 in a [second] coordinate system ... according to a signal received from organ timing sensor 260” and “provides a signal respective of [a] determined position and orientation of the distal end of medical intervention device 280 to registering module 232” (see Strommer, paragraphs [0091]). The **Strommer** reference yet still further teaches “[r]egistering module 232 retrieves a three-dimensional image 320 ... from image database 230” and “registers three-dimensional image 320, which was acquired in coordinate system I, with a second image 318, which was acquired in coordinate system II” (see Strommer, paragraphs [0096]-[0102], more particularly, [0100]). Thus, at least in view of the first and second imagers, the first and second medical positioning systems, and the registering module associated with the second medical positioning system for registering a first image acquired in the first coordinate system with a second image acquired in the second coordinate system, it is submitted that the registering as taught by **Strommer** cannot reasonably be interpreted to disclose the aforementioned specific feature limitation of independent claim 18.

Accordingly, claim 18 is allowable and an early formal notice thereof is requested. Claims 19-26 depend from and further limit independent claim 18 and therefore are allowable as well. Accordingly, the 35 U.S.C. §102(e) rejection thereof has now been overcome.

Claim 27 contains limitations similar to those of claim 18. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 18, claim 27 is believed allowable and an early formal notice thereof is requested. Claims 28-35 depend from and further limit independent claim 27 and therefore are allowable as well.

The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 18 and 27 are in condition for allowance. Claims 19-26 depend from and further limit independent claim 18 and therefore are allowable as well. Claims 28-35 depend from and further limit independent claim 27 and therefore are allowable as well.

The matters identified in the Office Action of June 24, 2010 are now believed resolved. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 18-35 is requested.

Respectfully submitted,

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